

U.S. Pat. Appln. Serial No. 10/768,778
Response to Office Action Dated January 30, 2007
Page 2 of 13

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APR 30 2007

REMARKS

STATUS OF CLAIMS

Claims 2-6, 8-16, 19-22, 24-30, and 32-34 are pending in the application. Claims 5-6, 8-10, 14, and 32-34 are rejected. Claims 1, 7, 17, 18, 23, 31, and 35 are canceled. Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 5 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112. Claims 2-4, 15-16, 19-22, and 24-30 are allowed. With this Amendment, claims 5, 6, 9, 14, and 34 have been amended. Support for these claim amendments can be found in the text of the specification as originally filed. New claims 36-38 have been added. No new matter has been added.

REJECTIONS UNDER 35 U.S.C. §112

Claims 5 and 14 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claims 5 and 14 have been amended to overcome the rejection. In particular, claim 5 has been amended to depend from claim 4 as suggested by the Examiner. The phrase "the resistors" in claim 14 has been amended to "the resistive heating element(s)" as suggested by the Examiner. In view of the claim amendments, Applicant respectfully requests that the rejection of claims 5 and 14 under 35 U.S.C. §112, second paragraph be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103(a)

The Examiner rejected claims 6, 8-10, and 32-34 under 35 U.S.C. §103(a) as being unpatentable over Muller et al., U.S. Patent 6,524,308 ("Muller"). Applicant traverses the rejection and respectfully requests reconsideration.

U.S. Pat. Appln. Serial No. 10/768,778
Response to Office Action Dated January 30, 2007
Page 3 of 13

In rejecting claims 6, 8-10, and 32-34, the Examiner stated that Muller discloses "an applicator and its method of use that delivers energy comprising: an applicator body (Figure 3) comprising a proximal portion and a distal portion; an electrode surface (32 or 33) on the distal portion of the applicator body for delivering therapeutic electrical energy therethrough; a conduit that delivers a coolant on a path through at least a part of the distal portion of the applicator body; and one or more heating elements thermally coupled, from within the applicator body, to the distal portion of the applicator body and entirely beneath the electrode surface to deliver a heating energy to the coolant conduit, wherein the energy is sufficient to heat the coolant so that the electrode surface is at a desired temperature."

Independent claims 6 and 9, which are both directed to a method of controlling a temperature of an applicator body, have been amended to include the limitation "contacting the at least one electrode surface against a surface adjacent pelvic support tissue." Muller does not disclose, teach, or suggest a method of controlling a temperature of an applicator body that includes the step of contacting an electrode surface against a surface adjacent pelvic support tissue. Because Muller fails to disclose, teach, or suggest each element of independent claims 6 and 9, as amended, the rejection of claims 6 and 9 under 35 U.S.C. §103 should be withdrawn.

Dependent claim 8 depends from independent claim 6. As such, this claim is allowable with its independent base claim. In addition, it is respectfully submitted that the combination of features recited in claim 8 is patentable on its own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable.

Similarly, dependent claims 10-14 depend from independent claim 9. As such, these claims are allowable with their independent base claim. In addition, it is respectfully submitted that the combinations of features recited in claims 10-14 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable.

Independent claim 34, as amended, recites "[a] system for heating a pelvic support tissue adjacent an intermediate tissue . . . comprising: a body comprising one or more electrodes

U.S. Pat. Appl. Serial No. 10/768,778
Response to Office Action Dated January 30, 2007
Page 4 of 13

oriented for contacting the intermediate tissue adjacent the pelvic support tissue; a control system coupled to a power source and to the electrode(s) . . . adapted to selectively energize the electrode(s) so as to deliver a therapeutic heating energy through the intermediate tissue to the pelvic support tissue . . .” Muller does not disclose, teach, or suggest a system for heating pelvic support tissue adjacent an intermediate tissue that includes one or more electrodes oriented for contacting the intermediate tissue adjacent the pelvic support tissue and a control system adapted to selectively energize the electrode(s) to deliver a therapeutic heating energy through the intermediate tissue to the pelvic support tissue. Because Muller fails to disclose, teach, or suggest each element of independent claim 34, as amended, the rejection of claim 34 under 35 U.S.C. §103 should be withdrawn.

Dependent claims 32-33 depend from independent claim 34. As such, these claims are allowable with their independent base claim. In addition, it is respectfully submitted that the combinations of features recited in claims 32-33 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable.

ALLOWED AND ALLOWABLE SUBJECT MATTER

Claims 2-4, 15-16, 19-22, and 24-30 are allowed. The Examiner objected to claims 11-13 as being dependent upon a rejected base claim. In response, new claims 36-38 have been added, which correspond with claims 11-13 rewritten in independent form including all of the limitations of the base claim (claim 6) and any intervening claims. As a result, Applicant believes these claims are in condition for allowance.

Claims 5 and 14 were rejected under 35 U.S.C. §112, second paragraph. Claims 5 and 14 have now been amended to overcome the rejection as discussed previously. As a result, Applicant believes these claims are also in condition for allowance.

APR 30 2007

U.S. Pat. Appln. Serial No. 10/768,778
Response to Office Action Dated January 30, 2007
Page 5 of 13CONCLUSION

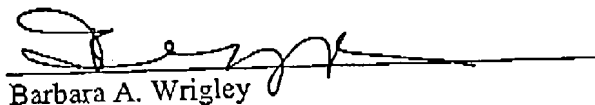
Applicant believes all claims are now in condition for allowance and a Notice of Allowance is respectfully solicited. If the Examiner believes that a teleconference would be of value in expediting the allowance of the pending claims, the undersigned can be reached at the telephone number listed below. It is believed that no petition or payment for extension of fees is due as this response is being filed within the three-month statutory time period for response. If, however, it is believed that any additional fees are necessary, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference 687-3108/US).

Dated: 4/30/07

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